

**Minutes of the Special And Regular Meeting of Tuesday, June 28, 2005**  
**City Council Chambers, One Twin Pines Lane**

**SPECIAL MEETINGS**

**CLOSED SESSION - 6:15 P.M.**

- A. Public Employee Performance Evaluation, per Government Code Section 54957:  
Interim City Attorney Zafferano
- B. Conference regarding Public Employee Appointment Pursuant to Government  
Code Section 54957: City Manager

Attended by Councilmembers Feierbach, Bauer, Mathewson, Metropulos, Warden, Interim City Manager Jack Crist (Item B only), Interim City Attorney Zafferano. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:25 P.M.

**Terri Cook**  
**City Clerk**

Meeting not tape recorded or videotaped.

**REGULAR MEETING**

**CALL TO ORDER 7:33 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Mathewson, Metropulos, Bauer, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Crist, Interim City Attorney Zafferano, City Clerk Cook.

**PLEDGE OF ALLEGIANCE**

Led by City Clerk Cook.

**REPORT FROM CLOSED SESSION**

Mayor Warden announced that direction was given but no action taken on Closed Session Item B (City Manager appointment). He announced that Council had appointed Interim City Attorney Zafferano as the permanent City Attorney.

**PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Warren Gibson**, E. Laurel Creek Road, commented regarding the recent Supreme Court decision enabling governmental entities to seize private property for other private use.

**Joan Peceimer**, Friends of the Belmont Library, publicly acknowledged the Central PTA and Neighborhoods First for their contributions to the new library fundraising effort. She noted that, to date, donations total \$145,000.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Warden announced that PG&E was sponsoring a Summer Savings program whereby citizens who save 20 percent of their summer usage would receive a 20 percent credit in October.

## **AGENDA AMENDMENTS**

**ACTION**: On a motion by Mayor Warden, seconded by Councilmember Mathewson, Item 8-B (Retirement of Parks & Recreation Director and Short Term Plan to Manage the Department) was unanimously moved on the agenda to be considered before the Consent Calendar.

### **Retirement of Parks & Recreation Director and Short Term Plan to Manage the Department**

Mayor Warden announced that this item was placed on the agenda as a means to publicly acknowledge and honor retiring Parks and Recreation Director Mittelstadt. He read the Proclamation that was recently presented to Karl in honor of his 30 years as an employee of the City of Belmont.

**Joan Dentler**, Wakefield Drive, read a poem she composed in honor of retiring Parks and Recreation Director Mittelstadt.

**Margo Cheechov**, on behalf of the Cottage Auxiliary, thanked Karl for his assistance over the years with the Cottage, especially during the various remodeling phases. The Auxiliary presented him with a gift certificate for dinner.

**Margo Cheechov/Judy King**, on behalf of the Belmont Park Boosters, thanked Karl for his years of dedication that helped make the Summer Concert Series a success.

**Mary Morrissey-Parden/Charmaine Hope**, Belmont Chamber of Commerce, stated that Karl made the City a wonderful place to do business. They noted that the business community sees Twin Pines Park as a gateway to the City. They presented Karl with a redwood tree to be planted in his honor.

**Mary Lou Orr**, Belmont Kiwanis, stated that Karl was always supportive of Kiwanis activities.

**Mary Morrissey-Parden**, on behalf of Belmont Little League, stated that the League was absent this evening because of the All Stars game, but she passed along best wishes to Karl from the League.

Councilmember Metropulos stated he was a student at Nesbit School when he first met Karl, and got to know him well when he served as a Parks and Recreation Commissioner. He noted that Karl is a problem solver, never says no, and is level headed. Karl grew up in Belmont, and currently resides here with his family. He appreciates Karl's continued friendship.

Councilmember Bauer stated that Karl's children and his own have gone to school together. He noted that Karl always goes out of his way, but is silent about his achievements. He thanked Karl for his service.

Councilmember Mathewson stated that Karl is patient, helpful, and always follows through.

Councilmember Feierbach stated she has known Karl for 30 years. She noted he is always open to suggestions. He has always supported parks and open space. Since he still lives in Belmont, he is not going away.

Mayor Warden stated that Karl is always positive, and survived 35 years of many changes in Belmont. He is accommodating, and always gets along. His common sense was used in spite of the political environment.

Parks and Recreation Director Mittelstadt stated that he was fortunate to grow up and work in Belmont. He never had any second thoughts about staying with the City, even during tough times. He has worked with many groups and has made many friends. As noted, he still lives in Belmont and will still be around. He thanked everyone for their words of appreciation.

**RECESS: 8:00 P.M.**  
**RECONVENE: 8:10 P.M.**

### **CONSENT CALENDAR**

Councilmember Bauer requested removal of Item 4-B (Written Communication) for separate consideration.

**Approval of** Minutes of Special and Regular Meeting of May 24, 2005

**Acceptance of** Belmont Library/Belameda Park Project - June Monthly Update

**Approval of** Resolution 9677 Calling for Municipal Election November 8, 2005.

**Approval of** Resolution 9678 Approving Application for Grant Funds for the Roberti-Z'Berg-Harris State Block Grant Program for City Park Improvements

**Approval of** Resolution 9679 Approving Application for Grant Funds for the Per Capita State Grant Program for City Park Improvements

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, the Consent Calendar, as amended, was unanimously approved by a show of hands.

### **ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Written Communication: 1) Received June 10, 2005, Notice of Filing with PUC of PG&E's Energy Resource Recovery Account.**

Councilmember Bauer stated that PG&E was requesting approval for three fee adjustments from the Public Utilities Commission. He recommended that residents monitor these types of requests.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, and unanimously approved by a show of hands to accept Written Communication, as presented.

**HEARINGS**

**Mitigated Negative Declaration and Conceptual Development Plan Amendment for the Charles Armstrong School at 1405 Solana Drive**

Community Development Director Ewing stated that the Planning Commission held a series of Hearings on this matter, resulting in a recommendation of denial. He reviewed the proposed project, consisting of an activities center, additional classrooms, gymnasium, lobby and kitchen area. He clarified that Charles Armstrong School (CAS) does not propose an increase in enrollment, or additional parking.

Community Development Director Ewing noted that CAS recently sent a letter to the City seeking guidance for revisions to the project. Council has the option to refer this matter back to the Planning Commission for additional direction. He clarified that since this is a Public Hearing, Council should take testimony before making any decision. He noted that Council could take action on the project as presented, or take no action.

In response to Council questions, Community Development Director Ewing clarified that negotiating potential mitigations between the applicant and the Planning Commission would not be well served in this matter. He noted that the process provides that applicants propose projects which are disposed in some manner, whether by approval or rejection. The project could come back to the Planning Commission as a redefined project.

**Rosalie Whitlock**, Charles Armstrong School, stated that she did not have a formal presentation to make, but reiterated her desire to engage in conversation regarding proposed amendments, and that she was looking for guidance.

Mayor Warden opened the Public Hearing.

**Chuck Horton**, Chula Vista Drive, noted that Belmont's General Plan provides that institutions are to be designed to be compatible with the surrounding neighborhood, and no new or changed uses can be permitted. The traffic study is not in compliance since the new gym will require 88 spaces. The asphalt area, currently used for parking, would be covered with a new building.

**Katie Criswell**, Dartmouth Avenue (San Carlos), commented that she applauds Charles Armstrong's program. She noted that the current plan will have a negative impact, and the Planning Commission made proper findings. She noted the plan is incompatible with zoning, and that the California State Architect does not require gymnasiums for this age group. She also

noted that the recent letter from Charles Armstrong does not address any of the issues raised by the Planning Commission.

**Robert Mayer**, Neighborhoods First, stated he is opposed to the project. He noted that Charles Armstrong School has made no significant changes to its proposal in three years. The issues are intensity of use near residences, bulk, parking, and traffic. He stated that the last-minute letter provides a list of ideas, but none address the Planning Commission's concerns. He recommended rejection of the project.

**Peggy Allen**, Chula Vista Drive, stated she is against the plan for a gymnasium since it would bring more activity, noise, traffic and parking. The gymnasium is not needed, and a multi-use room is sufficient.

**T.K. Lakshman**, Dartmouth Avenue (San Carlos), stated he was concerned with the proposed project and privacy issues. He noted that the neighbors have provided feedback to Charles Armstrong before.

**George Glushenok**, El Verano Way/Neighborhoods First, stated that Charles Armstrong's letter failed to address the issue of the park. The park should be available to the residents. He recommended rejection of the project.

**Chris Wozniak**, Solana Drive, supported the Planning Commission's recommendation. She noted the proposed development does not support the General Plan. Many hours have been spent studying this issue. Charles Armstrong is already in violation of its use permit, and she clarified the issue is not their program.

**Robert Scott**, Valdez Avenue, stated he has been denied entry to the park during school hours.

**Michael Lisi**, Dartmouth Avenue (San Carlos), stated that with this recent letter, Charles Armstrong has only offered to listen to a few ideas, which they have been saying all along they would do. They have made many promises, but are not working with the neighbors. He supports rejection.

**Stephen Cann**, Neighborhoods First, stated that his organization canvassed the neighborhood to share facts regarding the proposed project. He stated there has been a steady increase in traffic, and Carlmont High School parking has encroached on the neighborhood, and he did not want any more. He is not opposed to the school. He stated there is overwhelming opposition to the project.

**Richard Hughes**, Desvio Way, commented regarding the increase in traffic. He stated a fire truck recently had a difficult time in the neighborhood due to parking issues.

**Rosalie Whitlock**, Charles Armstrong, stated that the school would like to amend the project, and the school's recent letter outlines the issues to be addressed. She noted this is not a proposal, and would like a forum to propose an amended project.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Bauer, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** Mayor Warden stated he wished to make a point of personal privilege regarding the issue with noise in the room, and would propose to continue the remainder of the agenda. He clarified that Council would complete its deliberation on Charles Armstrong School. He apologized to those waiting to address the Council on other items on the agenda.

City Attorney Zafferano stated that the proposed ballot initiative has a timing issue, but could be postponed and still meet the deadline for placing the item on the ballot.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Bauer, the balance of the agenda was unanimously tabled to the next meeting by a show of hands.

**RECESS: 8:50 P.M.**

**RECONVENE: 8:55 P.M.**

Councilmember Mathewson stated that as a Planning Commissioner he had reservations when he voted in favor of allowing Charles Armstrong School (CAS) to increase its enrollment. CAS had given the impression at that time that it would not ask for additional entitlements, and now it was proposing a 55 percent increase in building space. He does not support a piecemeal approach to entitlements. He noted CAS is a great school and program, but it is located on a small, narrow street, without sufficient space for expansion. He cited traffic and parking issues, and the new gymnasium will intensify the use of the property. He cited similar significant issues with Notre Dame High School and Ralston Middle School's new gyms. He noted that CAS has sued the City on a previous occasion. It enrolled more students than allowed, thereby flouting the law. CAS is a private school, not a neighborhood school. The Planning Commission held numerous hearings on this matter, and eleven General Plan compliance issues were noted. He cannot support the project as presented. CAS has not listened to the neighbors or the Commission. Revisions would take additional time to review. He is inclined to support the Planning Commission decision.

Councilmember Feierbach stated she attended the Planning Commission hearings on this matter, and there was considerable discussion. No neighbor is in support of the gymnasium. She noted that as a Planning Commissioner, she, too, voted to allow an increase in enrollment, and at that time she stated she would not support any additional entitlements. There is a backlog in the Community Development Department, and she is ready to deny this project. This would send a strong message to the applicant that it needs to work closely with Neighborhoods First, and it should amend the agreement for the use of the park. She noted that Notre Dame and Carlmont High School parking already affects this neighborhood.

Councilmember Bauer stated that Charles Armstrong is a valuable asset. Decreased bus service has had an impact on parking, and more kids are driving. He has observed the traffic at CAS. He noted he lives near Ralston Middle School, so is aware of these issues. He noted that CAS is located on a cul-de-sac, which is an issue. He would support an evaluation of an amended project, and would seek mitigation of the issues raised.

Councilmember Metropulos stated Charles Armstrong's use of the site is different from when it was a neighborhood school. He expressed concern that the asphalt area currently used for parking on game days would no longer be available. As an educator, he appreciates CAS's program, but he needs to side with the neighbors. He noted that only a small percentage of CAS's students live in Belmont. He is reluctant to refer this project back to the Planning Commission, as the opportunities for modification were there to begin with, and supports upholding the Commission's recommendation of denial.

Mayor Warden stated that he supports Charles Armstrong's program, and this proposed project is complicated, contentious, and complex. He noted he has spoken to very few people regarding this project, and has not spoken to neighbors or CAS staff. He commented this project needed to go through the planning process, but is far from being acceptable. He stated it would be disingenuous for everyone, including CAS, to continue the process, and he will vote to deny.

**ACTION:** Councilmember Feierbach made a motion, seconded by Councilmember Mathewson, to deny the Mitigated Negative Declaration, and to deny the Conceptual Development Plan Amendment for the Charles Armstrong School, incorporating the findings of the Planning Commission in a resolution of denial.

Community Development Director Ewing stated that staff would return to Council with a resolution based on the Commission's findings.

**ACTION:** Councilmember Bauer made a substitute motion to support a re-evaluation of a modified project. This motion died for lack of a second.

Councilmember Mathewson stated that all parties should work together.

Mayor Warden recommended that Charles Armstrong hire a facilitator, or use a third party to assist with this project.

**ACTION:** On the primary motion, the Mitigated Negative Declaration and Development Plan Amendment for the Charles Armstrong School was denied by a roll call vote of 4-1 (Bauer no).

## **OLD BUSINESS**

Police Department/City Hall Project - June Monthly Update and a Resolution authorizing a Second Amendment to the Professional Services Agreement with Harris and Associates for an amount Not to Exceed \$49,974 **(CONTINUED TO 7/12/05)**

Approval of Letter for the Mayor's Signature Stating the Council's Preference for Composition of the South Bayside Waste Management Authority Board of Directors **(CONTINUED TO 7/12/05)**

## **NEW BUSINESS**

Consideration of Resolution to place a proposition on November 8, 2005 ballot requiring voter approval of certain amendments to the existing hillside residential and open space zoning districts (HRO-1, HRO-2, HRO-3), and associated General Plan land use amendments **(CONTINUED TO 7/12/05)**

Preliminary Design Review for 1300 El Camino Real - Proposed Tentative Subdivision (Condominium) **(CONTINUED TO 7/12/05)**

Initiation of Municipal Code Amendment – Granting to the Planning Commission Authority to Call Up Administrative Decisions **(CONTINUED TO 7/12/05)**

**COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL  
ASSIGNMENT UPDATES, AND STAFF ITEMS**

Discussion and Direction on Grant Application Process **(CONTINUED TO 7/12/05)**

Retirement of Parks & Recreation Director and Short Term Plan to Manage the Department **(CONTINUED TO 7/12/05)**

**MATTERS OF COUNCIL INTEREST/CLARIFICATION**

Consideration of City contribution to Notre Dame de Namur-sponsored International Piano Competition (Warden) **(CONTINUED TO 7/12/05)**

**ADJOURNMENT** at this time, being 9:15 P.M

Meeting audio-recorded and videotaped  
Audio Recording 612  
Minutes approved 7/27/2005

Terri Cook City Clerk